

AMENDED IN ASSEMBLY APRIL 13, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2176**

**Introduced by Assembly Member Montanez**

February 18, 2004

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An act to *amend Section 42911 of, and to add Chapter 12.7* (commencing with Section 42648) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Montanez. Large venue and event recycling programs.

(1) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. On and after January 1, 2000, the element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities.

This bill would require the board, by June 30, 2005, to make available one or more model local agency ordinances to facilitate resource management activities at large venues and large events, consult with specified entities while developing the model ordinances, and post specified information on the board's Internet Web site.

The bill would require each local agency, which the bill would define as a city, a county, or a regional agency, when it issues specified permits, to provide specified information to large venues and large events and, by August 1, 2006, and annually thereafter, until August 1, 2008, to provide the board with an estimate and description of the top 10% of large venues and large events within its jurisdiction, based upon amount of waste generated.

The bill would require the board, by December 1, 2008, to evaluate the waste diversion rates and implementation of waste reduction and recycling programs in the top 10% of large venues and large events identified by each local agency. The bill would require the board, if it determines that less than 75% of the large venues and large events, as reported by local agencies throughout the state, have implemented a waste reduction and recycling program, to recommend to the Legislature those statutory changes needed to require large venues and large events to implement such a program. ~~If the board makes that determination, the bill would also prohibit a local agency from issuing a building permit to a large venue that commences operations on or after December 1, 2009, unless the large venue incorporates, at a minimum, adequate areas for collecting and loading recyclable materials, as specified, in its design and operating plans.~~

The bill would require each operator of a large venue and large event, by June 30, 2005, and on or before June 30 annually thereafter, to submit specified documentation to the local agency, within one month of a request by the local agency.

*The bill would require the operator of a large venue to meet by July 1, 2005, with the solid waste enterprise that provides solid waste handling services to the large venue to determine the solid waste reduction and recycling activities that are appropriate for the large venue, as specified.*

The bill would require the board to provide technical assistance and tools with regard to implementing the bill's requirements, to the extent feasible under existing financial resources.

The bill would impose a state-mandated local program by requiring local agencies to provide specified information and include specified requirements in the local permitting process.

(2) *Existing law requires the board to adopt a model ordinance for adoption by local agencies relating to adequate areas for collecting and loading recyclable materials in development projects. Local agencies are required to adopt an ordinance, not later than a specified date,*

*relating to adequate areas for collecting and loading recyclable materials in development projects. If a local agency has not adopted that ordinance by the specified date, the model ordinance adopted by the board is required to take effect on that date and be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance.*

*This bill would prohibit a local agency, on and after July 2, 2005, from issuing any building permit to a development project, unless the development project provides adequate areas for collecting and loading recyclable materials.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Effective resource management techniques include  
4 preventing the creation of waste through conscientious purchasing  
5 of materials, buying recycled-content products, and reusing  
6 materials and goods, as well as resource recovery through  
7 recycling and composting.

8 (2) Experience in this state and others demonstrates that  
9 effective resource management conserves natural resources and  
10 reduces the need for additional landfill capacity.

11 (3) Experience also demonstrates that large venues and large  
12 events generate substantial quantities of wastes, primarily  
13 corrugated cardboard, food waste, and compostables such as  
14 animal bedding; as well as beverage containers, paper, and glass.



(4) The community conservation corps has originated innovative recycling programs through partnerships formed with an assortment of schools, public agencies, and local organizations. These partnerships supplement existing services, further state and county waste studies, and assist in establishing conservation goals.

(b) Accordingly, it is the intent of the Legislature, in enacting this act, to do all of the following:

(1) Encourage increased opportunities for effective resource management for all consumers at large venues and large events, including, but not limited to, large private, nonprofit, or publicly owned stadiums, sports arenas, theaters, halls, amusement parks, zoos, airports, fairgrounds, museums, and other large venue businesses.

(2) Make effective resource management convenient to consumers, and the Legislature hereby urges cities and counties to adopt ordinances relating to the siting of multiple material recycling opportunities at large venues and large events, or other types of resource management to enhance the overall success of effective resource management recycling in the state.

(3) Create a mechanism and provide incentives to aid cities and counties in complying with waste diversion requirements set forth in the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of the Public Resources Code).

~~(4) Encourage large venue facilities and large events to meet with their local agency's recycling coordinator, community conservation corps, or other official designated by a local agency, to do the following:~~ *or other official designated by a local agency, community conservation corps, or the solid waste enterprise providing solid waste handling, whether by exclusive franchise with the local agency or by a permit, contract, or nonexclusive franchise, to do all of the following:*

(A) Determine the solid waste reduction and recycling activities that are appropriate for the large venue or large event.

(B) Develop solid waste reduction and recycling goals and a plan of solid waste diversion and recycling activities that would achieve those solid waste reduction and recycling goals.

(C) Determine a timeline for implementation of the solid waste diversion and recycling plan and solid waste reduction and recycling goals.

(5) Encourage operators of large venues and large events to include resource management elements in their design and operating plans, including, but not limited to, adequate space for waste reduction and recycling activities, developing partnerships with community groups to encourage reuse of materials when appropriate, and negotiating waste handling contracts that promote waste reduction and recycling.

SEC. 2. Chapter 12.7 (commencing with Section 42648) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.7. LARGE VENUE RECYCLING

42648. For purposes of this chapter, the following definitions apply:

(a) "Individual" means a person who works at, or attends, a large venue or large event, or a customer who is seated or served at the large venue or large event.

(b) "Large event" means an event that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, including, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, including, but not limited to, a sporting event or a flea market.

(c) "Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purpose of this chapter, a site under common ownership or control that includes more than one large venue that is contiguous with other large venues in the site, is a single large venue.

(d) "Local agency" means a city, county, or regional agency.

(e) For purposes of this chapter, unless a term is defined expressly for purposes of this chapter, the definitions specified in

1 Chapter 2 (commencing with Section 14502) of Division 12.1  
2 apply to the terms used in this chapter.

3 42648.1. (a) On or before June 30, 2005, the board shall take  
4 all of the following actions:

5 (1) Make available one or more model ordinances that are  
6 suitable for modification by a local agency and that may be  
7 adopted by a local agency to facilitate resource management  
8 activities, including waste reduction, reuse, and recycling  
9 programs, at large venues and large events and in accordance with  
10 the requirements of this chapter.

11 (2) While developing the model ordinance, consult with  
12 representatives of the League of California Cities, the California  
13 State Association of Counties, private and public solid waste  
14 services and appropriate personnel involved with the operation  
15 and management of large venues.

16 (3) Post information on the board's Internet Web site on the  
17 methods by which large venue operators and large event managers  
18 can decrease waste and increase diversion of recyclable materials.

19 (4) Post information on the board's Internet Web site for local  
20 agencies, with examples of waste reduction, recycling, and  
21 diversion programs, including, but not limited to, those operated  
22 by community conservation corps.

23 42648.2. (a) (1) When issuing a temporary use permit, land  
24 use permit, or building permit, to a large venue or large event, a  
25 local agency shall provide information to the large venue or large  
26 event on methods the venue or event can take to reduce and recycle  
27 solid waste materials generated at the venue or event, and provide  
28 contact information about where solid waste materials may be  
29 donated, recycled, or composted. This information may include,  
30 but is not limited to, providing information directing the large  
31 venue or large event to a ~~Web site~~ *the board's Web site or any other*  
32 *appropriate Web site included by the local agency*, direct mailings,  
33 brochures, or other relevant literature.

34 (2) On or before August 1, 2006, and annually thereafter until  
35 August 1, 2008, each local agency shall provide the board with an  
36 estimate and description of the top 10 percent of large venues and  
37 large events within its jurisdiction, based upon amount of waste  
38 generated. The information shall include the name, location, and  
39 a brief description of the venue or event, a brief description of the  
40 types of wastes generated, types, and estimated amount of

materials diverted and existing programs that the large venue or large event ~~may utilize~~ *utilizes* to reduce, reuse, and recycle the wastes. This information shall be reported to the board as a part of the local agency's annual report submitted pursuant to Section 41821.

(b) On or before December 1, 2008, the board shall evaluate the waste diversion rates and implementation of waste reduction and recycling programs in the top 10 percent of large venues and large events identified by each local agency pursuant to paragraph (2) of subdivision (a). If the board determines that less than 75 percent of the large venues and large events, as reported to the board by local agencies throughout the state, have implemented a waste reduction and recycling program, ~~both of the following actions shall be taken:~~

~~(1) The.~~ *The* board shall recommend to the Legislature those statutory changes needed to require large venues and large events to implement a waste reduction and recycling program.

~~(2) A local agency shall not issue a building permit to a large venue that commences operations on or after December 1, 2009, unless the large venue incorporates, at a minimum, adequate areas for collecting and loading recyclable materials as required by relevant ordinances adopted or in effect pursuant to Chapter 18 (commencing with Section 42900), in its design and operating plans.~~

42648.3. On or before June 30, 2005, and on or before June 30 annually thereafter, each operator of a large venue and large event shall submit to the local agency, upon request by the local agency, written documentation of recycling, waste reduction, and diversion programs, if any, implemented by the large venue or large event, and the type and weight of materials diverted and disposed by that large venue or large event. The operator of the large venue or large event shall submit the requested information to the local agency, no later than one month from the date the operator receives the request.

42648.4. *On or before July 1, 2005, the operator of a large venue shall meet with the solid waste enterprise that provides solid waste handling services to the large venue, whether by an exclusive franchise with the local agency, or by a permit, contract, or nonexclusive franchise, to determine the solid waste reduction and recycling activities that are appropriate for the large venue. In*



1 *determining the appropriate solid waste reduction and recycling*  
2 *activities, the large venue may do any of the following:*

3 *(a) Develop solid waste reduction and recycling goals and a*  
4 *plan of solid waste diversion and recycling activities that would*  
5 *achieve those solid waste reduction and recycling goals.*

6 *(b) Determine a timeline for implementation of the solid waste*  
7 *diversion and recycling plan and solid waste reduction and*  
8 *recycling goals.*

9 42648.5. The board shall provide technical assistance and  
10 tools to implement this chapter, to the extent feasible under  
11 existing financial resources. This technical assistance may  
12 include, but is not limited to, model documents, training, research  
13 on solid waste management best practices, cost reduction, and  
14 innovative products to assist local agencies and their large venues  
15 and large events to develop and implement effective resource  
16 management programs.

17 SEC. 3. *Section 42911 of the Public Resources Code is*  
18 *amended to read:*

19 42911. (a) ~~By September 1, 1994, each~~ *Each* local agency  
20 shall adopt an ordinance relating to adequate areas for collecting  
21 and loading recyclable materials in development projects.

22 (b) ~~If by September 1, 1994,~~ a local agency has not adopted an  
23 ordinance for collecting and loading recyclable materials in  
24 development projects *on or before September 1, 1994*, the model  
25 ordinance adopted pursuant to Section 42910 shall take effect on  
26 ~~that date~~ *September 1, 1994* and shall be enforced by the local  
27 agency and have the same force and effect as if adopted by the local  
28 agency as an ordinance.

29 (c) *On and after July 2, 2005, a local agency shall not issue a*  
30 *building permit to a development project, unless the development*  
31 *project provides adequate areas for collecting and loading*  
32 *recyclable materials.*

33 SEC. 4. Notwithstanding Section 17610 of the Government  
34 Code, if the Commission on State Mandates determines that this  
35 act contains costs mandated by the state, reimbursement to local  
36 agencies and school districts for those costs shall be made pursuant  
37 to Part 7 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the claim for  
39 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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